

modifications to said programming information during commercial transaction, and said modifications are transmitted to said central location to update said customer profile information.

28. (Amended) The system of Claim 16, wherein said customer profile information is updated according to a type of purchase, and one or more methods of making payment for said purchase made by said customer at a point-of-sale system affiliated with said one or more commercial transaction locations.

29. (Amended) The system of Claim 16, wherein said customer profile information is transmitted to a local office system at said one or more commercial transaction locations for generation of said programming information, said local office system transmitting said programming information to a select one of said one or more commercial transaction systems in use by said customer for presentation to said customer during the commercial transaction.

30. (Amended) The system of Claim 16, wherein each of said one or more commercial transaction systems is uniquely addressable using a wireless communication system such that said customer profile information is downloaded from said central location to a select one of said one or more commercial transaction systems from which said customer is conducting a commercial transaction, and modified customer profile information is uploaded to said central location from said select one of said one or more commercial transaction systems.

#### REMARKS

Applicant has carefully reviewed the Office Action dated June 7, 2002. Applicant has amended

**AMENDMENT AND RESPONSE**

S/N 09/503,532

Atty. Dkt. No. BLBV-24,759

Claims 1, 3, 4, 8-10, 12-19, and 23-30 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Regarding Claims 1-30, rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,263,319, *Leatherman*, this rejection is respectfully traversed as follows. In the Detailed Action on pages 2 and 3, the Examiner's analysis omits any evidence of anticipation for all or part of dependent claims 5-9 and 12-14. Further, the same omission applies to the corresponding system claims 20-24 and 27-29 of the present application. In the foregoing amendment, Claim 1 has been amended by incorporating the limitations of Claims 5 and 6 into Claim 1 and system Claim 16 has been amended by incorporating the limitations of Claims 20 and 21 into Claim 16. Accordingly, Claims 5, 6, 21 and 22 are canceled. Claims 7 and 23 being identical to original Claims 5 and 20 respectively, are also canceled in the foregoing amendment. Support for this amendment directed to the role of the profile word now included among the recitations of independent Claims 1 and 16 is found in Figure 6 of the present application as well as the accompanying Detailed Description on pages 18 and 19. Applicants respectfully submit that the foregoing amendments to independent Claims 1 and 16 put them in a form which is now patentably distinct over the prior art of record. Applicants respectfully request the withdrawal of this rejection under the *Leatherman* reference.

Regarding Claims 1 and 16, rejected under 35 U.S.C. §102(e) as being clearly anticipated by U.S. Patent No. 6,334,109 *Kanevsky et al. (Kanevsky)*, this rejection is respectfully traversed as follows. As in the *Leatherman* reference, *Kanevsky*, viewed in the light of the amended Claims 1 and 16 fails to disclose the combination of limitations now recited in Applicant's amended Claims 1 and 16 respectively. Applicant therefore respectfully requests the withdrawal of this rejection.

Regarding Claims 1 and 16, rejected under 35 U.S.C. §102(b) as being clearly anticipated by U.S. Patent No. 5, 717,374, *Smith*, this rejection is respectfully traversed as follows. In light of the foregoing amendments to independent Claims 1 and 16, the *Smith* reference, like the *Leatherman* and *Kanevsky* references, fails to disclose the entire combinations recited in the Applicant's Claims 1 and 16. Applicant therefore respectfully request the withdrawal of this amendment.

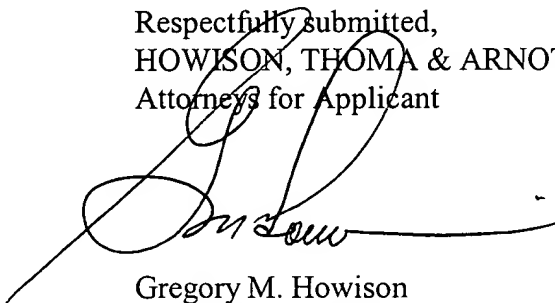
**AMENDMENT AND RESPONSE**

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Applicant has now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicant respectfully requests full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/BLBV-24,759 of HOWISON, THOMA & ARNOTT, L.L.P.

Respectfully submitted,  
HOWISON, THOMA & ARNOTT, L.L.P.  
Attorneys for Applicant

A handwritten signature in black ink, appearing to read "G. M. Howison", is written over the typed name and firm name.

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**AMENDMENT AND RESPONSE**  
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## VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Amended) A method of advertising during a [fuel dispensing operation] commercial transaction, comprising the steps of:

providing one or more [fuel dispensing] commercial transaction locations having one or more [fuel dispenser] commercial transaction systems for  
5 [dispensing fuel to] allowing a customer to conduct a commercial transaction and having a display for displaying programming information to a customer;

inputting by the customer of identification information;

transmitting from a central location to the one or more [fuel dispensing] commercial transaction locations, customer profile information of the  
10 customer;

converting the customer profile information into a profile word, which profile word is transmitted to a select one of the one or more commercial transaction locations from which the customer is [dispensing fuel] conducting a commercial transaction;

15 decoding the profile word and merging it with update and advertising information; [and]

using the merged customer profile and advertising information to generate programming information [for presentation]; and

presenting the programming information to the customer during the  
20 [fuel dispensing operation] commercial transaction on the display.

3. (Amended) The method of Claim 1, wherein the one or more [fuel dispenser] commercial transaction systems have audio and video presentation capabilities.

4. (Amended) The method of Claim 1, further comprising the step of transmitting a unique ID to the central location from the [fuel dispensing] commercial transaction locations, the unique ID associated with the customer and

5 used to perform a matching operation on a central location database to obtain the customer profile information of the customer.

8. (Amended) The method of Claim [7] 1, wherein the select one of the one or more [fuel dispenser] commercial transaction systems from which the customer is [dispensing fuel] conducting said commercial transaction uses the profile word to generate the programming information for presentation to the customer during [the fueling operation] said commercial transaction.

9. (Amended) The method of Claim 1, wherein the programming information comprises update information and advertising information, the update information comprising news, weather, sports, travel, and road condition information, and the advertising information containing product promotions which are related to a select one of the one or more [fuel dispensing] commercial transaction locations.

10. (Amended) The method of Claim 1, wherein the programming information is generated at the central location and transmitted to a select one of the one or more [fuel dispensing] commercial transaction locations for presentation to the customer.

12. (Amended) The method of Claim 1, wherein the customer makes modifications to the programming information during the [fuel dispensing operation] commercial transaction, and the modifications are transmitted to the central location to update the customer profile information.

13. (Amended) The method of Claim 1, wherein the customer profile information is updated according to a type of purchase, and one or more methods of making payment for the purchase made by the customer at a point-of-sale system

affiliated with the one or more [fuel dispensing] commercial transaction locations.

14. (Amended) The method of Claim 1, wherein the step of transmitting transmits the customer profile information to a local office system at the one or more [fuel dispensing] commercial transaction locations for generation of the programming information, the local office system transmitting the programming  
5 information to a select one of the one or more [fuel dispensing] commercial transaction systems in use by the customer for presentation to the customer during the [fuel dispensing operation] commercial transaction.

15. (Amended) The method of Claim 1, wherein each of the one or more [fuel dispenser] commercial transaction systems is uniquely addressable using a wireless communication system such that the customer profile information is downloaded from the central location to a select one of the one or more [fuel  
5 dispenser] commercial transaction systems from which the customer is [dispensing fuel] conducting a commercial transaction, and modified customer profile information is uploaded from the select one of the one or more [fuel dispenser] commercial transaction systems to the central location.

16. (Amended) A system of advertising during a [fuel dispensing operation] commercial transaction, comprising:

one or more [fuel dispensing] commercial transaction locations having one or more [fuel dispenser] commercial transaction systems for [dispensing  
5 fuel to] allowing a customer to conduct a commercial transaction;

data entry keys for entering customer identification information;

a central location for transmitting from said one or more [fuel dispensing] commercial transaction locations, customer profile information of said customer;

10 - a processor for converting said customer profile information into a

profile word, which profile word is transmitted to a select one of said one or more commercial transaction locations from which said customer is conducting said transaction;

15                   wherein said profile word is decoded and merged with update and advertising information; [and,] and

                  a display system for using said merged customer profile and advertising information to generate programming information for presentation to said customer during the [fuel dispensing operation] commercial transaction.

17. (Amended) The system of Claim 16, wherein a wireless communication system is used to communicate between said central location and said one or more [fuel dispensing] commercial transaction locations.

18. (Amended) The system of Claim 16, wherein said one or more [fuel dispenser] commercial transaction systems have audio and video presentation capabilities.

19. (Amended) The system of Claim 16, wherein a unique ID is transmitted to said central location from said [fuel dispensing] commercial transaction location, said unique ID associated with said customer and used to perform a matching operation on a central location database to obtain said customer profile information  
5 of said customer.

23. (Amended) The system of Claim 22, wherein said select one of said one or more [fuel dispenser] commercial transaction systems from which said customer is [dispensing fuel] conducting said commercial transaction uses said profile word to generate said programming information to said customer during said [fueling operation] commercial transaction.

24. (Amended) The system of Claim 16, wherein said programming information comprises update information and advertising information, said update information comprising news, weather, sports, travel, and road condition information, and said advertising information containing product promotions which  
5 are related to a select one of said one or more [fuel dispensing] commercial transaction locations.

25. (Amended) The system of Claim 16, wherein said programming information is generated at said central location and transmitted to a select one of said one or more [fuel dispensing] commercial transaction locations for presentation to said customer.

27. (Amended) The system of Claim 16, wherein said customer makes modifications to said programming information during [the fuel dispensing operation] commercial transaction, and said modifications are transmitted to said central location to update said customer profile information.

28. (Amended) The system of Claim 16, wherein said customer profile information is updated according to a type of purchase, and one or more methods of making payment for said purchase made by said customer at a point-of-sale system affiliated with said one or more [fuel dispensing] commercial transaction locations.

29. (Amended) The system of Claim 16, wherein said customer profile information is transmitted to a local office system at said one or more [fuel dispensing] commercial transaction locations for generation of said programming information, said local office system transmitting said programming information to a  
5 select one of said one or more [fuel dispensing] commercial transaction systems in use by said customer for presentation to said customer during the [fuel dispensing operation] commercial transaction.



30. (Amended) The system of Claim 16, wherein each of said one or more  
[fuel dispenser] commercial transaction systems is uniquely addressable using a  
wireless communication system such that said customer profile information is  
downloaded from said central location to a select one of said one or more [fuel  
5 dispenser] commercial transaction systems from which said customer is [dispensing  
fuel] conducting a commercial transaction, and modified customer profile  
information is uploaded to said central location from said select one of said one or  
more [fuel dispenser] commercial transaction systems.